

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA**

AL-QADEER MALIK HAMLET)	
)	
Plaintiff,)	
)	Case No.: 2:07-cv-1011-MEF
v.)	
)	
D. T. MARSHALL, et al.,)	
)	
Defendants.)	

ANSWER TO PLAINTIFF'S COMPLAINT

COME NOW Defendants D. T. Marshall, Gina M. Savage and Sondra Wright,
and for answer to the Plaintiff's Complaint, state as follows:

COUNT ONE

1. The allegations in Count One of the Complaint alleging "Denial of Access to Courts/Illegal Censorship" are denied.

COUNT TWO

2. The allegations in Count Two of the Complaint alleging "Cruel and Unusual Punishment" are denied.

COUNT THREE

3. The allegations in Count Three of the Complaint alleging "Deliberate Indifference" are denied.

DEFENSES

1. The Complaint fails to state a claim against these Defendants upon which relief can be granted.

2. Defendants did not violate any of the Plaintiff's constitutional rights afforded him under law.

3. Defendants are entitled to immunity under the Eleventh Amendment to the United States Constitution with respect to Plaintiff's claims against them in their official capacities.

4. All official capacity claims against these Defendants must be dismissed because in their official capacities, Defendants are not considered "persons" subject to liability under 42 U.S.C. § 1983.

5. Defendants are entitled to qualified immunity with respect to Plaintiff's claims against them in their individual capacities.

6. Defendants aver that they acted in a manner that was in accordance with previous court rulings regarding the operation of the Montgomery County Detention Facility.

7. Defendants aver that the prison regulations in question were reasonably related to legitimate penological interests.

8. Plaintiff's claim for denial of access to the courts is due to be dismissed because Plaintiff cannot show an actual injury.

9. Plaintiff's claim for emotional distress is due to be dismissed because Plaintiff has not suffered any physical injury.

10. Plaintiff has failed to satisfy the requirements for injunctive relief therefore his claim for injunctive relief is due to be dismissed.

11. Plaintiff's claims are due to be dismissed because he cannot demonstrate that he suffered a constitutional violation.

s/ Constance C. Walker

Constance C. Walker (ASB-5510-L66C)
Attorney for Defendants D.T. Marshall,
Gina M. Savage and Sondra Wright

OF COUNSEL:

HASKELL SLAUGHTER YOUNG & GALLION, LLC

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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon the following by causing a true and complete copy of same to be deposited in **the United States Mail**, sufficient first class postage prepaid, on this the 2nd day of January, 2008, addressed as follows:

Al-Qadeer Malik Hamlet
c/o Montgomery County Detention Facility
Post Office Box 4599
Montgomery, Alabama 36102-4599

s/ Constance C. Walker

Of Counsel